IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

WP(C).No. 26076 of 2007(D)

PETITIONER:

THOMAS, AGED 74 YEARS, S/O. LATE VARKEY, 3/235, KARAMEL HOUSE, KAKKADU KARA, PIRAVOM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SRI.P.FAZIL
SMT.JAYASREE MANOJ

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR, PIRAVOM POLICE STATION, PIRAVOM, ERNAKULAM DISTRICT.

3. SUB INSPECTOR OF POLICE, PIRAVOM POLICE STATION, PIRAVOM, ERNAKULAM DISTRICT.

4. RAJU, AGED 47 YEARS, S/O. THOMAS, KARAMMEL HOUSE, KAKKADU KARA, PIRAVOM VILLAGE.

BY ADV. SRI.P.JIMMY JOHN -- R4
GOVERNMENT PLEADER SRI. P..A SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26076/2007 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION DT. 20/09/2001 BY THE PETITIONER BEFORE THE R3.

EXT.P2. COPY OF THE JUDGMENT DT. 30/1/2002 PASSED THE MUNSIFF COURT, MUVATTUPUZHA

EXT.P3. COPY OF THE PETITION DT. 11/07/02 BY THE PETITIONER BEFORE THE R3.

EXT.P4. COPY OF THE PETITIOND T. 17/5/03 BY THE PETITIONER BEFORE THE R3.

EXT.P5. COPY OF THE PETITION DT. 28/1/2005 BY THE PETITIONER BEFORE THE R3.

EXT.P6. COPY OF THE PETITION DT. 28/1/2005 BY THE PETITIONER BEFORE THE R3.

EXT.P7. COPY OF THE OP TICKET DT. 20/7/07 TO THE PETITIONER FROM THE CHC PIRAVOM.

EXT.P8. COPY OF THE PETITION DT. 21/7/07 BY THE PETITIONER BEFORE THE R2.

EXT.P9. COPY OF THE COMPLAINT CMP NO. 2044 OF 2007 FILED BY THE PETITIONER BEFORE THE JFCM COURT, MUVATTUPUZHA.

EXT.P10. COPY OF THE PETITION DT. 16/8/07 BY THE PETITIONER BEFORE THE R2.

RESPONDENT'S EXHIBITS **NIL.**

True copy

tga

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 26076 OF 2007-D

Dated 10th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking police protection against the commissions and omissions of the 4th respondent, who is his elder son. The said respondent is using threat and coercion to compel the petitioner to assign certain properties to him. Unable to withstand the physical threat and violence, the petitioner had earlier filed Exts.P1, P3, P4, P5 and P6 representations before the police. Recently, he has preferred Ext.P8 and P10 representations before the police. Since the police did not take any effective action, this writ petition was filed, seeking the following relief:

> "(i) issue a writ of mandamus or such other appropriate writ, order or direction compelling the respondents 2 and 3 to render effective and adequate police protection to the person and properties of the petitioner as against any threats or illegal acts from the 4th respondent, his agents and men or any person acting under him."

2. The learned Government Pleader submitted that several times the parties were called to the Police Station and were advised to maintain peace. A crime has already been registered against the 4th respondent for manhandling the petitioner.

3. Having regard to the unfortunate position of the aged father, we feel that police protection should be ordered for him. If there is any threat or violence from the part of the 4th respondent, the petitioner may inform the 2nd or the 3rd respondent. In that event, the concerned respondent shall ensure effective protection to the life of the petitioner.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/